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February 23, 2012

Honorable Arthur D. Spatt  
Senior United States District Judge  
United States Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

By: Facsimile: (631) 712-5626 and  
ECF

Re: U.S.A. v. Frederick Celani, 09 Cr. 405 (ADS)

Dear Judge Spatt:

Mr. Celani requests that this Honorable Court allow him to waive his appearance at tomorrow's status conference, scheduled for 11:30 a.m. As this Honorable Court knows, Mr. Celani has had a series of strokes while in custody, and he continues to feel their effects. Mr. Celani has trouble controlling the right side of his body, and he has lost vision in his right eye, due to a stroke behind that eye. Mr. Celani has mental lapses that impair his memory and daily function. Mr. Celani does not feel well at all, and he does not want to spend the day in shackles and chains between the MDC and the Courthouse.

Mr. Celani understands that he has constitutional and statutory rights to a speedy trial, but he does waive those rights, and Mr. Celani does also waive his appearance.

Mr. Lungert of the government has informed me that he opposes this respectful motion.

This Honorable Court's consideration of this respectful request is much appreciated.

Respectfully submitted,

/s/

James C. Neville, Esq.  
Attorney for Frederick Celani

Cc: Clerk of the Court  
Richard T. Lurger, Esq., AUSA